## REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-14 are pending in the prior application.

### Rejections Under 35 U.S.C. §102(b) and §103(a)

Claims 1, 2 and 3 have been rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,730,025 to Platt in view of U.S. Pat. No. 6,773,396 to Flach et al. In view of the content of the claims as presently amended, applicant respectfully traverses these rejections.

Independent claim 1 has been amended to more clearly claim the invention in the context described in the specification. Support for acquisition unit being adapted to generate a twelve lead electrocardiograph signal may be found at numerous places within the specification (e.g., par. [0002], [0004], [0013], etc.).

It is generally accepted in the biomedical arts that cardiac activity must be sampled at a rate of 250 samples per second to capture cardiac abnormalities. Since each monitoring point of the heart (i.e., lead) has the same monitoring requirements, the more leads that are required, the greater the overall sampling rate. In the case of a twelve lead electrocardiograph, the minimum required sampling rate would be 12 times 250 or 3000 samples per second. In this regard, the claimed acquisition unit collects samples at 4000 samples per second (specification,

par. [0015]).

In contrast, Platt captures samples at a rate of 200 samples per second. Since Platt captures samples at 200 samples per second, Platt can only be a single channel electrocardiograph. This assumption is reinforced by the fact that Platt shows only three leads and may also be used for oximetry, blood pressures, respiration, temperature, phonocardiogram, tokolytic, blood glucose, pCO2, pO2 and pacemaker pulses.

Since Platt is a single channel electrocardiograph, Platt is structurally different than that of the claimed invention. Since the claims are now limited to a twelve lead electrocardiograph and Platt can only be a single channel electrocardiograph, Platt does not do the same or any similar thing as that of the claimed invention. Since Platt does not do the same or any similar thing, any anticipation rejection based upon Platt would now be improper and should be withdrawn.

With regard to the rejection of Platt in view of Flach et al., a similar problem exists. For example, at 3000 samples per second and a 16 bit sample value (specification, FIG. 2, block 82), the data rate between the acquisition module and display unit would be 16 times 3000 or 48 kilobits/sec (kb/s). In contrast, Flach et al. explicitly states that "In the preferred embodiment, the system design supports approximately 900 patients at a data rate of 10 kbaud per patient 102" (Flach et al., col. 11, lines 27-29). Since the modulation type is FSK (Flach et al., Table 1), the 10 kbaud of Flach et al. is equal to 10 kb/s. Since Flach et al. is limited to 10 kb/s, Flach et al. has a data rate that is too low to support a twelve lead electrocardiograph.

As such, neither Platt or Flach et al. provide any teaching regarding the use of a twelve lead electrocardiograph. Since the combination fails to teach each and every claim limitation, the rejections are believed to be improper and should be withdrawn.

Claims 3 and 4 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of U.S. Pat. No. 5,876,351 to Rhode or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Platt in view of Flach et al. However, Rhode suffers from the same deficiency as Platt and Flach et al. More specifically, Rhode is limited to (at most) a four lead electrocardiograph. In this regard, Rhode explicitly states that the "Leads 54, for the right arm (RA) or shoulder, left arm (LA) or shoulder, or the left leg (LL), are connected to input circuits 56" (Rhode, col. 7, lines 29-32). FIG. 1 of Rhode shows four leads 14 and FIG. 4 shows four leads 54, 65. FIG. 3a of Rhode shows only a single ECG trace (as opposed to the twelve traces that would be expected from a twelve lead electrocardiograph).

As such, the combination of Platt and Rhode or Platt and Flach et al. fail to teach each and every claim limitation. Since the combinations fail to teach each and every claim limitation, the rejections are believed to be improper and should be withdrawn.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of U.S. Pat. No. 6,292,692 to Skelton et al. or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Platt in view of Flach et al. and Skelton et al. However, Skelton et al. suffers from the same deficiency as Platt and Flach et al. More specifically, Skelton et al. is directed to a medical

treatment device with functions, operated under a pass code. FIGs. 7 and 13 of Skelton et al. show only a single ECG tracing. Skelton clearly fails to provide any teaching or suggestion of the use of a twelve lead electrocardiograph.

As such, the combination of Platt and Skelton et al. or Platt and Flach et al. fail to teach each and every claim limitation. Since the combinations fail to teach each and every claim limitation, the rejections are believed to be improper and should be withdrawn.

Claims 6-12 and 14 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of U.S. Pat. No. 6,141,584 to Rockwell et al. or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Platt in view of Flach et al. and Rockwell. However, Rockwell et al. suffers from the same deficiency as Platt and Flach et al. More specifically, Rockwell et al. is directed to a defibrillator. FIGs. 4 and 8 show only a single ECG tracing. Rockwell et al. clearly fails to provide any teaching or suggestion of the use of a twelve lead electrocardiograph.

As such, the combination of Platt and Rockell et al. or Platt and Flach et al. fail to teach each and every claim limitation. Since the combinations fail to teach each and every claim limitation, the rejections are believed to be improper and should be withdrawn.

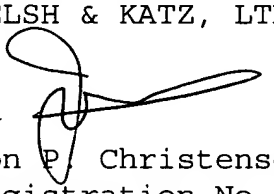
## Closing Remarks

Allowance of claims 1-14, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the

subject application, he is respectfully requested to telephone applicant's undersigned attorney.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,
WELSH & KATZ, LTD.



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